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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

LUIS MELENDEZ,  
  
Defendants.

CASE NO. 1:24-CR-000273-KES-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. The defendant was arraigned on the indictment in this case on November 18, 2024. Dkt. 8. At the arraignment, defendant indicated he did not wish to exclude time until discovery had been produced, and the case was set for a status conference on December 11, 2024. Dkt. 8.

2. By this stipulation, defendant now moves to continue the status conference and to exclude time between November 21, 2024, and March 12, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

3. The parties agree and stipulate, and request that the Court find the following:

a) The government provided discovery to the defense on November 21, 2024. The

discovery consists of reports, bodycam footage, and photographs.

b) Defense counsel requires time to review the discovery in this case and conduct their own investigation.

c) The defendant asks the Court to exclude time between November 21, 2024, and March 12, 2025, to account for time to conduct his own investigation, and determine if this case needs to be set for trial, and discuss the potential of resolving the case via plea, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 21, 2024 to March 12, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 21, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ ARIN C. HEINZ  
ARIN C. HEINZ  
Assistant United States Attorney

Dated: November 21, 2024

/s/ LISA LUMEYA  
LISA LUMEYA  
Counsel for Defendant  
LUIS MELENDEZ

**ORDER**

IT IS SO ORDERED that the status conference is continued from December 11, 2024, to **March 12, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: November 22, 2024

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE